



May 21, 2015

BUSINESS LAWYERS

VIA ECF AND FACSIMILE (212) 805-0426

Honorable Laura Taylor Swain
United States District Judge
500 Pearl Street
New York, New York, 10007

Re: Mister Softee, Inc., et al. v. Tsirkos
Case No.: 14-CV-1975 (LTS)

Lane Fisher*

Jeffrey Zucker*

F. Joseph Dunn*

David J. Allsman*

Frank A. Reino†

William Graefe, Jr.*

Gregory L. Kallet*

Priya Vimalassery*

Max Staplin*

Megan B. Center*

Jarina D'Auria*

*member PA and NJ bars

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Dear Judge Swain:

I represent the Plaintiffs. I am writing the Court pursuant to Section 2(d) of the Court's Individual Practices to notify the Court of my intention to file a motion for default judgment on Plaintiffs' claims pursuant to Rule 55(b)(2) and a motion to dismiss the Defendant's counterclaims pursuant to Rule 41(b) and (c) (the "Motion"). This Court already entered an order directing the Clerk to enter a default on the docket against Tsirkos. Accordingly, it is Plaintiffs' intention to resolve this case in its entirety by filing the Motion.

I look forward to hearing from the Court whether the Court will require any specific evidentiary submissions as provided in the Court's Individual Practices.

I very much appreciate the Court's attention to this matter. I am available at the Court's convenience if the Court has any questions.

Respectfully submitted,

FISHER ZUCKER LLC

Jeffrey Zucker

JZ:me

cc: Dimitrios Tsirkos (via regular mail)
James F. Conway (via email)
Peter Bouziatis (via email)
Craig Zoly (via email)

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